

# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION 1	NO. FI	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,059		02/14/2001	Tapani Ryhanen	297-010113-US(PAR)	9629
2512	7590	05/27/2003			
PERM <i>A</i>	N & GREE	N	EXAMINER		
	T ROAD ELD, CT 068	324		HAM, SEU	NGSOOK
				ART UNIT	PAPER NUMBER
				2017	

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   D9/783.059   Examiner   Sungscook Ham   2817				<i></i>
Examiner Soungsook Ham  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Enterector of time may be available unable the provisions of 37 CPR 1.158(a). In no event, however, may a risely be timely filled I this period for regly a specified above, the searchur stabulary period will apply and will expire SX (3) MONTH from the maining date of this communication from the provisions of the correspondence and the communication from the provisions of the communication Ary regly received by the Office date than three more after the maining date of the communication, even if limely filled, may reduce any search period and provided the spays and will expire SX (3) MONTH from the maining date of the communication, even if limely filled, may reduce any search period by the Office date than three more after the maining date of the communication, even if limely filled, may reduce any search period by the disciplination is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s) 2,3.7-24,27-32 and 43-52 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) ○ Claim(s) 3,18.19,21,22,43,44.48,51 and 52 is/are rejected.  7) □ Claim(s) is/are as subject to restriction and/or election requirement.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CPR 1.85(a).  11) □ The proposed drawing correction filled on is/are: a) □ accepted or b) □ objected to by the Examiner.  12) □ The specification is objected to by the Examiner.  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1 □ Certified copies of the priority documents have		Application No.	Applicant(s)	
Seungsook Ham   2917   Period for Reply		09/783,059	RYHANEN ET AL.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CERT 1.19(io). In rule word, however, may a reply be limitely filled to the period for reply appealed above the least faint afthy (30) abys, as reply within the word for reply appealed above. The natural valuable preplied alloyed and all eyes SE (MONTHS) from the mailing date of this communication. Period of the period for reply specified above, the natural valuable preplied all against on the beautiful preplied all against the statute of the MONTHS from the mailing date of this communication. Period of the communication of the communication and the period of the communication of the communication and the period of the communication of the communication. Period of the communication of the communication of the communication and the period of the communication of the communicat	Office Action Summary	Examiner	Art Unit	
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of the may be available under the provision of 37 CR 1.158(a). In no event, however, may a raply be timely filed after SIX (6) MCMTR5 from the mailing date of this communication.  False to reply within the set of centred period for reply will, by statute, cause the application to become ABANDONED (39 U.S. C.§ 133).  Any reply received by the Office active then three more statutory period allogy the will be application, even if timely lifed, may reduce any statute. Part time application is provided by the Communication and the communication, even if timely lifed, may reduce any statute. Sale of the Communication and the co	• •	pears on the cover sheet	with the correspondence address	
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 2,3,7-24,27-32 and 43-52 is/are pending in the application.  4a) Of the above claim(s)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a rep</li> <li>If NO period for reply is specified above, the maximum statutory period</li> <li>Failure to reply within the set or extended period for reply will, by statute</li> <li>Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	136(a). In no event, however, may ly within the statutory minimum of will apply and will expire SIX (6) Me, cause the application to become	a reply be timely filed  hirty (30) days will be considered timely.  ONTHS from the mailing date of this communicatio  ABANDONED (35 U.S.C. § 133).	n.
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#### **DETAILED ACTION**

### **Drawings**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 601, 602, 603, 605 (see claim 45) and 610 (see claim 47). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 45 and 46 (including the numerals, 601-604, 610 in conjunction with numerals 3, 7, 8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

## Specification

The disclosure is objected to because of the following informalities:

page 18 should be deleted since the references are cited in PTO-1449;

page 2, lines 1 and 2 should be deleted;

page 7, line 26, "third" should be corrected to –six--; and

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In page 15, line 15, "first dielectric insulating layer 7", and page 16, line 2, "second dielectric layer 7", the numeral "7" defines two different elements.

Appropriate correction is required.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 7-17, 20, 22, 23, 28-30, 45, 46, 47, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, "a substrate insulating layer" is confusing as to how this layer is related to "a substrate insulating layer" recited in claim 43.

The subject matter of claim 7 is already included in claim 43.

In claim 8, "the gap" lacks antecedent basis.

In claim 9, "the air gap" lacks the antecedent basis.

Claim 10 and 11 are dependent on a cancelled claim.

In claims 12 and 13, "the capacitor electrode" is confusing as to whether it refers to a first capacitor electrode or second capacitor electrode as recited in claim 43.

In claim 15, "the conducting layer" is confusing as which conducting layer refers to (e.g., first, second or third, see claim 43); and "the capacitor and/or the second capacitor electrode" is vague and indefinite since the second capacitor electrode is a part of the capacitor.

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Claims 16 and 17 contain improper Markush group (see MPEP 2173.05(h)), and the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

In claim 20, "the conducting layer" is confusing as which conducting layer refers to (e.g., first, second or third, see claim 43).

In claim 23, "the segments" lacks antecedent basis (appears to be dependent on claim 22 rather than claim 43), "the same fabrication process with capacitors and inductors" cannot be understood (examiner suggests to delete).

In claim 28, "said second capacitor electrode" lacks antecedent basis.

In claim 29, "the second capacitor electrode" lacks antecedent basis.

Claim 30 is dependent on a cancelled claim.

Claim 45 is vague and indefinite as to how first capacitor plate, second capacitor plate, a first capacitor plate, are related to each to form a capacitor. Moreover, it is unclear as to how the newly added limitation, lines 14-17 is related to the other elements recited in the claim. Furthermore, "said first capacitor electrode" (said at least one active electrode?, see fig. 3a) lacks antecedent basis.

In claim 46, "clamped points and/or sides" cannot be understood.

In claim 47, "the dielectric gap" lacks antecedent basis.

## Allowable Subject Matter

Claims 43, 3, 18, 19, 21, 22, 44, 48, 51 and 52 are allowed.

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Page 5

The following is a statement of reasons for the indication of allowable subject matter: Prior art does not show "wherein said substrate is removed up to said first capacitor electrode or up to said substrate insulating layer" as recited in claim 43, lines 22-27.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seungsook Ham whose telephone number is (703) 308-4090. The examiner can normally be reached on Monday - Thursday from 8:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on (703)308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Seungsook Ham/ Primary Examiner Art Unit 2817

sh May 21, 2003